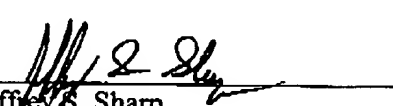


#17/108  
11/13/01IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	)	CERTIFICATE OF FACSIMILE
McMichael, J. <i>et al.</i>	)	TRANSMITTAL
Serial No.: 09/495,186	)	
Filed: February 1, 2000	)	I hereby certify that this paper and the
For: TREATMENT OF SYMPTOMS	)	documents referred to herein as enclosed
OF ASTHMA, ALLERGIES AND	)	are being transmitted via facsimile to the
OTITIS MEDIA	)	U.S. Patent and Trademark Office, 703-
	)	872-937, on this date:
Group Art Unit: 1633	)	Date: November 5, 2001
Examiner: Wilson, M.	)	
	)	
	)	Jeffrey S. Sharp
	)	Reg. No. 31,879
	)	Attorney for Applicants

TERMINAL DISCLAIMER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Milkhaus Laboratories, Inc., a Delaware corporation, Corner of Westfall & Larry Hill Rd., R.D.1, Delanson, New York 12053, is the assignee of the entire right, title, and interest in the above-captioned patent application by virtue of an assignment recorded on August 24, 2000 at Reel 11125, Frame 0401 in addition to an incorrect recordation on May 8, 2000 at Reel 10796, Frame 0065, and the assignee of U.S. Patent No. 5,955,442 ('442 Patent) and U.S. Patent No. 5,726,160 ('160 Patent) by virtue of an assignment recorded at Reel 7646, Frame 0551 regarding U.S. application Ser. No. 08/421,232.

The assignee, through its undersigned attorney, hereby disclaims the terminal portion of the term of any patent granted on the above-captioned patent application extending beyond the expiration date of the '442 and '160 Patents and hereby agrees that any patent so granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title to said patent and the legal title to the '442 and '160 Patents are

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commonly owned, this agreement to run with any patent granted on the above-captioned patent application and to be binding upon assignee and its successors or assigns.

The assignee does not disclaim any terminal portion of the term of any patent granted on the above-captioned patent application prior to the expiration date of the full statutory term of the '442 and '160 Patents, in the event that the '442 and '160 Patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or in part or are terminally disclaimed under 37 CFR § 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The assignments recorded at Reel 10796, Frame 0065, Reel 11125, Frame 0401, and Reel 7646, Frame 0551 establish the assignee's chain of title from the inventors. The documents establishing the assignee's chain of title have been reviewed by the undersigned and the undersigned certifies that, to the best of his knowledge and belief, title is in the assignee.

The Commissioner is hereby authorized to charge the \$55.00 fee under 37 C.F.R. § 1.20(d) for filing this paper to the Deposit Account No. 13-2855.

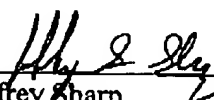
The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

November 5, 2001

By:

  
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